

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
VINSON M. DI SANTO, D.O., :
RESPONDENT. :

ORDER 0007169

Division of Legal Services and Compliance Case No. 19 MED 171

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Vinson M. Di Santo, D.O.
Springdale, AZ 72762

Wisconsin Medical Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board (Board). The Board has reviewed the Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Respondent Vinson M. Di Santo, D.O., (DOB xx-xx-1956), is licensed in the state of Wisconsin to practice osteopathic medicine, having license number 43134-21, first issued on March 26, 2001, with registration current through October 31, 2021. Respondent is also licensed in several other states, including but not limited to, Idaho, Kentucky, Rhode Island, and Oklahoma.

2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Springdale, Arizona 72762.

3. At all times relevant to this matter, Respondent maintained a family telemedicine practice specializing in testosterone replacement.

4. On March 21, 2018, the Board reprimanded Respondent for being the subject of a June 2, 2017 adverse determination by the Idaho State Board of Medicine (Idaho Board). The Idaho Board reprimanded Respondent for failing to obtain state and federal registrations required to prescribe controlled substances (testosterone) to Idaho patients.

5. The Kentucky Board of Medical Licensure (Kentucky Board) opened an investigation into Respondent's practices following the imposition of discipline by the Idaho Board. As part of the Kentucky Board's investigation, Respondent submitted to a clinical skills assessment at the Center for Personalized Education for Professionals (CPEP), which recommended oversight and supervision of Respondent's practice and remedial education based upon his inadequate knowledge and judgment in family medicine.

6. The Kentucky Board also consulted with a physician to review Respondent's patient records. The consultant found Respondent failed to conform to acceptable and prevailing medical practice in Kentucky and, in one instance, demonstrated gross negligence by prescribing testosterone without medical necessity.

7. On March 19, 2019, the Kentucky Board issued an Emergency Order of Restriction after concluding that Respondent's practice constituted a danger to the health, welfare, and safety of patients and the public (Kentucky Emergency Order).

8. Respondent untimely reported the Kentucky Emergency Order to the Department on April 23, 2019.

9. On April 25, 2019, the Rhode Island Board of Medical Licensure & Discipline (Rhode Island Board) summarily suspended Respondent's license based on the Kentucky Emergency Order.

10. Respondent untimely reported the Rhode Island Board's action to the Department on June 4, 2019.

11. On March 11, 2020, the Rhode Island Board issued a Consent Order which reinstated Respondent's license without restrictions and reprimanded Respondent after he successfully completed the Physician Retraining and Reentry Program at the University of California, San Diego, and submitted to a neuropsychological evaluation, which determined he was competent to practice medicine.

12. On April 28, 2020, the Kentucky Board issued an Amended Agreed Order restricting Respondent's license indefinitely as follows, inter alia:

- a. Respondent shall not practice medicine in Kentucky or on a Kentucky patient unless the Board has approved the practice location in Kentucky and he is under the supervision of a licensed Kentucky physician; and,
- b. Respondent shall maintain a controlled substances log for all controlled substances prescribed, dispensed, or utilized with Kentucky patients.

- c. Prior to petitioning for modification or termination of the Amended Agreed Order, Respondent shall have at least two (2) favorable consultant reviews of his practice and prescribing habits on terms agreed to by the Board.

13. On July 7, 2020, the Oklahoma Board of Osteopathic Examiners issued an Order of Revocation revoking Respondent's license for obtaining a license renewal through deception; by engaging in unethical conduct or unprofessional conduct in the performance of the functions or duties of an osteopathic physician; by acting in a manner which results in final disciplinary action by any other state; by being disciplined by any other state; and, by being incapable of discharging the functions of an osteopathic physician in a manner consistent with the public's health, safety and welfare.

14. Respondent untimely reported Oklahoma's action to the Department on August 21, 2020.

15. At least ten (10) other state medical boards have issued disciplinary orders against Respondent in response to the Idaho or Kentucky Board actions.

16. Respondent denies engaging in unprofessional conduct. However, he does not wish to incur the expenses of a contested disciplinary proceeding. Therefore, Respondent agrees to resolve DLSC case number 19 MED 171 by consenting to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in these matters pursuant to Wis. Stat. § 448.02(3), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § Med 10.03(3)(a), by failing, within 30 days, to report to the board any final adverse action taken against the licensee's authority to practice medicine and surgery by another licensing jurisdiction concerned with the practice of medicine and surgery.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § Med 10.03(3)(c), by having any credential pertaining to the practice of medicine and surgery or any act constituting the practice of medicine and surgery become subject to adverse determination by any agency of this or another state.

4. As a result of the above conduct, Respondent Vinson M. Di Santo, D.O., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. Respondent is REPRIMANDED.

3. Respondent's license to practice osteopathic medicine in Wisconsin (license number 43134-21) is hereby LIMITED as follows:

- a. Within ninety (90) days of the date of this Order, Respondent shall obtain at his expense a practice location in Wisconsin that has been pre-approved by the Board.
 - i. Whether to approve a practice location lies within the sole discretion of the Board. Respondent shall timely provide any information about his practice location requested by the Board or its designee. The Board may consider the nature of the practice and whether Respondent will be appropriately supervised in determining whether to approve Respondent's practice location.
 - ii. If the Board approves Respondent's practice location, the Board may impose any conditions and/or limitations the Board sees fit to protect the health, safety and welfare of patients and the public.
 - iii. Respondent shall not change practice locations in Wisconsin without obtaining pre-approval from the Board.
- b. Within ninety (90) days of the date of this Order, Respondent shall retain at his expense a professional mentor to oversee Respondent's Wisconsin practice.
 - i. The professional mentor shall be a physician holding a valid Wisconsin license, who is actively practicing in Respondent's field, who has been provided a copy of this Order, and who agrees to be Respondent's mentor.
 - ii. Respondent shall be responsible for finding the professional mentor, providing the mentor's curriculum vitae or other list of qualifications to the Department Monitor, and for obtaining pre-approval of the mentor from the Board or its designee.
 - iii. The professional mentor shall review the patient health care records of Respondent's Wisconsin patients, as selected by the professional mentor, to determine if Respondent's care meets acceptable and prevailing medical practices in Wisconsin.
 - iv. The professional mentor shall submit a written report to the Department Monitor on a quarterly basis addressing his or her determination of Respondent's care. The first report shall be submitted within six (6) months of the date of this Order. Respondent shall be responsible for ensuring that the professional mentor submits the quarterly reports to the Department Monitor.

- v. The professional mentor shall have no personal or professional relationship with Respondent that could reasonably be expected to compromise the ability of the professional mentor to render an objective and unbiased reports to the Board.
 - vi. The Board may impose additional limitations or conditions on Respondent's license, as appropriate, in response to the professional mentor's quarterly reports.
- c. As of the date of this Order, Respondent shall maintain at his expense a controlled substances log for all controlled substances prescribed or dispensed to Wisconsin patients.
- i. The controlled substances log shall include the date of the prescription, the patient's name, the patient's complaint, the name of the medication, the amount prescribed or dispensed, and the date and amount the medication was last prescribed. The log shall include call-in and refill information.
 - ii. Respondent shall provide the controlled substances log and other relevant records to the Board, or its designee, and the professional mentor upon request.
- d. Respondent shall report to the Board any change of employment status, residence, address, or telephone number within ten (10) days of the date of a change.

4. Respondent may petition the Board for the removal of the limitations referenced in paragraph 3 above and the return of full licensure. The petition shall include proof that the Kentucky Board has removed the restrictions in its Amended Agreed Order and Respondent holds an unencumbered and unrestricted Kentucky medical license. The Board may grant or deny any petition, in its discretion, or may modify this Order as it sees fit.

5. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,506.00.

6. All reports and other documentation required by the Order, and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services), shall be sent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online via DSPS' Monitoring Case Management System, here:

<https://dspsonitoring.wi.gov>

7. In the event Respondent violates any term of this Order, Respondent's license (No. 43134-21), or Respondent's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

8. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

By: Shelton A. Wasserman, MD
A Member of the Board

20 January 2021
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

VINSON M. DI SANTO, D.O.,
RESPONDENT.

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:
:

STIPULATION

ORDER 0007169

Division of Legal Services and Compliance Case No. 19 MED 171

Respondent Vinson M. Di Santo, D.O., and the Division of Legal Services and Compliance, Department of Safety and Professional Services, stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Vinson M. Di Santo, D.O., Respondent
Springdale, AZ 72762
License No. 43134-21

1/5/21

Date



Julie Zimmer, Prosecuting Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

01/05/2021

Date